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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HILLERY, NATHAN

ART UNIT PAPER NUMBER

2176

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/825,210	Applicant(s) KRAFT, REINER	
	Examiner Nathan Hillery	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-11 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-11 and 15-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE filed on 9/22/05.
2. Claims 1, 5 – 11, 15 – 26 are pending in the case. Claims 1, 11, and 20 are independent.
3. The objection to the claims has been withdrawn as necessitated by amendment.
4. The rejection of claims 1, 5 – 11, 15 – 26 under 35 U.S.C. 101 as being nonstatutory has been withdrawn as necessitated by amendment.
5. The rejection of claims 1, 5 – 11, 15 – 26 under 35 U.S.C. 103(a) as being unpatentable has been withdrawn as necessitated by amendment.

Continued Examination Under 37 CFR 1.114

6. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submissions filed on 5/12/05 and 6/16/05 have been entered.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 5 – 11, 15 – 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. The term "integral attribute" in claim 1 is a relative term which renders the claim indefinite. The term "integral attribute" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Consequently, the type of attribute has been rendered indefinite.

10. The term "integral attribute" in claim 11 is a relative term which renders the claim indefinite. The term "integral attribute" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Consequently, the type of attribute has been rendered indefinite.

11. The term "integral attribute" in claim 20 is a relative term which renders the claim indefinite. The term "integral attribute" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Consequently, the type of attribute has been rendered indefinite.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1, 5 – 7, 10, 11, 15 – 17, 20 – 23, and 26 are rejected under 35 U.S.C.

103(a) as being unpatentable over Logan (US 6665659 B1) [as cited by Applicant] and further in view of Heninger et al. (US 6470349 B1).

14. **Regarding independent claim 1**, Logan teaches that *The client computer 8 includes a citation retriever 16 which sends a request for information to a citation extractor 18 at the server 4. In response to the request, the citation set extractor 16 returns a subset only of the collected citations in database 14 via the Internet 5 to the citation retriever 16 which stores the subset of citations in a local store 19. At the request of the user, a sort and extract unit 20 processes the citations in the local store 19 to create a filtered, sort set of citations which are passed to a page retriever 22. The page retriever 22 generates presents the information contained in or cited by these citations to the user at 24, either by displaying metadata contained in the citation or by using the URL in the citation to fetch data from the original resource described by that citation, or both. As depicted in FIG. 2, which shows the principal data structures manipulated by the embodiment of FIG. 1 in more detail, the information distribution system employs an analysis facility 101 which extracts identification and content information from data retrieved via the Internet 100. The data which is retrieved and analyzed in this fashion may take a variety of forms as illustrated by the HTML Web page 111, the XML document 113, the audio file 114, the message 115 which has been posted to an Internet message board, and the image or video file 116. The analysis facility 101 coupled to an editing station 105 processes the data from such Internet*

*resources and creates a collection of stored descriptive metadata which are here called "citations" in a citation store seen at 121. Based on the subscriber preference information stored at 125, or in response to subscriber requests received via the Internet 100, an Internet server 131 transmits selected citations to individual users via the Internet 100 (5-7), compare with **defining contextual metadata of the source document, wherein the contextual metadata includes a location of the source document; identifying a target document by a content and contextual data; and saving a bundled target document as the destination document.** Logan teaches that *Each of the citations created by the analysis facility 101 comprises the combination of a Universal Resource Location "URL" which specifies the Internet address of a particular Internet resource and one or more of the following additional metadata elements ("attributes"). a. a "passage identification" which specifies the beginning and ending location of an particular segment of the data identified by the URL; for example: the starting and ending character position of a portion of the text of a bulletin board message or Web page, or the identification of a particular element or nested set of elements in an XML document; and b. data characterizing the information specified by the passage identification and/or the data specified by the URL by its type, subject matter, or other characteristics (10), compare with **bundling the target document, and the contextual metadata of the source document as attributes of the target document; wherein bundling the target document comprises merging the contextual metadata of the source document and the contextual data of the target document as integral attributes of the target document.** Logan does not explicitly**

teach **synchronizing**. However, Heninger et al. do teach that *in the case of caches, it is also useful to generate a source command to be placed in your target script referring back to the source script. This ensures that the target stays synchronized with the source* (Column 16, lines 16 – 20), compare with **automatically synchronizing the destination document to the target document**. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Logan with that of Heninger et al. because such a combination would provide the users of Farber et al. with a *server side scripting language and programming tool designed to simplify programming for web pages using databases or other dynamic information* (Column 2, lines 49 – 52).

15. **Regarding dependent claims 5 – 7**, Logan teaches that *If a passage or "fragment" identifier is included in the URI reference then the citation's resource identifier refers only to the sub-component of the containing resource that is identified by the corresponding fragment id internal to that containing resource. When a resource takes the form of an XML document, the URI may designate all or part of the document using an Xpointer expressed in accordance with the language specifications set forth in XML Pointer Language (XPointer), Eve Maler and Steve DeRose, W3C, Mar. 3 1998. See <http://www.w3.org/TR/xptr>. The format of the URI used by the Xpointer convention follows the related XPath specification set forth in XML Path Language, James Clark and Steve DeRose, editors, Nov. 16 1999. See <http://www.w3.org/TR/xpath> (18), compare with **defining the address of the source document, identifying a URL of***

the source document and defining a navigation path from the source document to the target document.

16. **Regarding dependent claim 10**, Logan teaches that *The client computer 8 includes a citation retriever 16 which sends a request for information to a citation extractor 18 at the server 4. In response to the request, the citation set extractor 16 returns a subset only of the collected citations in database 14 via the Internet 5 to the citation retriever 16 which stores the subset of citations in a local store 19* (5), compare with **saving the destination document on a networked data repository.**

17. **Regarding independent claim 11**, the claim incorporates substantially similar subject matter as claim 1, and is rejected along the same rationale.

18. **Regarding dependent claim 15**, the claim incorporates substantially similar subject matter as claim 5, and is rejected along the same rationale.

19. **Regarding dependent claim 16**, the claim incorporates substantially similar subject matter as claim 6, and is rejected along the same rationale.

20. **Regarding dependent claim 17**, the claim incorporates substantially similar subject matter as claim 7, and is rejected along the same rationale.

21. **Regarding independent claim 20**, the claim incorporates substantially similar subject matter as claim 1, and is rejected along the same rationale.

22. **Regarding dependent claim 21**, the claim incorporates substantially similar subject matter as claim 5, and is rejected along the same rationale.

23. **Regarding dependent claim 22**, the claim incorporates substantially similar subject matter as claim 6, and is rejected along the same rationale.

24. **Regarding dependent claim 23**, the claim incorporates substantially similar subject matter as claim 7, and is rejected along the same rationale.

25. **Regarding dependent claim 26**, the claim incorporates substantially similar subject matter as claim 10, and is rejected along the same rationale.

26. Claims 8, 9, 18, 19, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US 6665659 B1) and further in view of Heninger et al. (US 6470349 B1) as applied to claims 1, 5 – 7, 10, 11, 15 – 17, 20 – 23, and 26 above, and further in view of Lumsden (as cited by applicant).

27. **Regarding dependent claims 8 and 9**, Logan does not and Heninger et al. may not explicitly teach **input parameters or input search query**. However, Lumsden teaches that *the user fills out the form, specifying the user's search parameters or criteria, which are often in the form of keywords. The user's search parameters or criteria are intended to define a subset of documents from the Internet which contain information which the user wants to review. The desired documents may be on any of a plurality of databases associated with any of the sites (document servers) linked together by the Internet. The user completes the search form and forwards the completed search form to the search server 62 via the network 64 (Step 102) (Column 5, line 61 – Column 6, line 3), compare with **defining input parameters required to generate the target document and defining an input search query**. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Logan and Heninger et al. with that of Lumsden because such a*

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combination would provide the users of Farber et al. and Heninger et al. with a *software implemented process associated with a server employed to provide search information in response to a request from a user at a client for documents available on the Internet matching search criteria* (Column 2, lines 50 – 54).

28. **Regarding dependent claim 18**, the claim incorporates substantially similar subject matter as claim 8, and is rejected along the same rationale.

29. **Regarding dependent claim 19**, the claim incorporates substantially similar subject matter as claim 9, and is rejected along the same rationale.

30. **Regarding dependent claim 24**, the claim incorporates substantially similar subject matter as claim 8, and is rejected along the same rationale.

31. **Regarding dependent claim 25**, the claim incorporates substantially similar subject matter as claim 9, and is rejected along the same rationale.

Response to Arguments

32. Applicant's arguments with respect to claims 1, 5 – 11, 15 – 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NH

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
10/16/2005